IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 24447 of 2007(I)

PETITIONER:

A.SAROJINI, AGED 70 YEARS,
W/O.LATE AYYAPPAN, AANDISSERY HOUSE, KADALUNDI P.O
KOZHIKODE DISTRICT.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS:

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1. KOZHIKODE DISTRICT CO-OPERATIVE BANK
REPRESENTED BY ITS JOINT REGISTRAR (GENERAL),
KOZHIKODE.

2. THE ARBITRATOR/SPECIAL SALE OFFICER,
KOZHIKODE DISTRICT CO-OPERATIVE BANK,
KOZHIKODE.

R1 BY ADV. SRI. P.V. KUNHIKRISHNAN.
R2 BY GOVT. PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 24447 of 2007

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Dated this the 10th day of August, 2007

JUDGMENT

Petitioner is a widow. She is challenging Ext.P1 sales notice. There is also a prayer to grant sufficient time to the petitioner to repay the loan amount in instalments.

2. I heard learned counsel appearing on behalf of the first respondent also. Learned counsel for the petitioner prays that time may be granted to pay off the amount in instalments. Having regard to all facts, in particular the fact that the petitioner is a widow, the writ petition is disposed of as follows:

Proceedings pursuant to Ext.P1 shall be kept in abeyance on condition that the petitioner has to pay a sum of Rs.5000/- before the time of sale mentioned in Ext.P1. Petitioner is permitted to pay off the entire amount remaining to be paid in eight equal monthly instalments. The respondent Bank will serve a statement on the petitioner within two weeks from today showing the amount payable and also the amount payable as instalment on the basis that the petitioner has to pay

the amount due with interest in eight equal monthly instalments. The first instalment shall be paid on or before 15.9.2007 and the subsequent instalments on or before the 15th of the succeeding months. If any single instalment is not paid, the petitioner will lose the benefit of this judgment and it will be open to the respondent Bank to proceed against the petitioner in accordance with law.

(K.M. JOSEPH, JUDGE)

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